

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Vincent Alston

Docket No. 5:09-CR-71-1F

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Vincent Alston, who, upon an earlier plea of guilty to Distribute 5 Grams or More of Cocaine Base (Crack), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on October 13, 2009, to the custody of the Bureau of Prisons for a term of 86 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On October 9, 2012, pursuant to 18 U.S.C. § 3582(c)(2), the term of imprisonment was reduced to 70 months.

Vincent Alston was released from custody on March 28, 2014, at which time the term of supervised release commenced. On September 2, 2015, a Violation Report was filed advising the defendant had tested positive for cocaine.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 1, 2015, the defendant tested positive for the use of cocaine. When confronted with the positive urinalysis, Alston admitted using cocaine on or about August 29, 2015, and agreed to continue with substance abuse counseling. On December 17, 2015, after numerous attempts to discuss possible sanctions with the defendant, Alston signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/ Timothy L. Gupton
Timothy L. Gupton
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8686
Executed On: December 21, 2015

ORDER OF THE COURT

Considered and ordered this 21st day of December, 2015 and ordered filed and
made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge